

U.S. BANKRUPTCY COURT
DISTRICT OF OREGON
FILED
March 15, 2016
Clerk, U.S. Bankruptcy Court

1
2 Below is an Order of the Court.
3
4
5
6
7
8


Trish M. Brown

TRISH M. BROWN
U.S. Bankruptcy Judge

10 UNITED STATES BANKRUPTCY COURT
11 FOR THE DISTRICT OF OREGON

12 In re
13 Earth Class Mail Corporation,
14 Debtor.

15 Case No. 15-30982-tmb11
16
17

ORDER RE: DEBTOR'S NOTICE OF
INTENT TO 1) PAY PROFESSIONALS; 2)
PAY MANAGEMENT CARVE-OUT PLAN
PARTICIPANTS; 3) PAY SECURED
CREDITORS; AND 4) CLOSE CASE

18 This matter came before the Court on February 25, 2016, on the Debtor's Notice of Intent
19 to 1) Pay Professionals; 2) Pay Management Carve-Out Plan Participants; 3) Pay Secured
20 Creditors; and 4) Close Case. (Docket No. 160) (the "Notice of Intent"). Also before the Court
21 were the Application for Final Professional Compensation (Proof of Claim No. 14) (the "Perkins
22 Application"), and United States Trustee's (i) Motion for Disgorgement, Sanctions, and
23 Disqualification; and (ii) Objection to Perkins Coie's Final Fee Application (Docket No. 175)
24 (the "UST Objection"). The Court, having reviewed the Notice of Intent and the files and
25 records filed herein, and with Perkins Application and UST Objection having been resolved by
26 separate order, and no objections to the Notice of Intent having been filed:

PAGE 1- ORDER RE: DEBTOR'S NOTICE OF INTENT TO 1) PAY
PROFESSIONALS; 2) PAY MANAGEMENT CARVE-OUT
PLAN PARTICIPANTS; 3) PAY SECURED CREDITORS;
AND 4) CLOSE CASE

MOTSCHENBACHER & BLATTNER, LLP
117 SW Taylor, Suite 200
Portland, OR 97204
Phone: (503) 417-0500
Fax: (503) 417-0501

IT IS HEREBY ORDERED:

A. The following professionals' applications for compensation are allowed in the following amounts:

- Motschenbacher & Blattner, LLP (general bankruptcy counsel): \$63,104.57;
- Wesley Avery (Consumer Privacy Ombudsman): \$4,892.50;

B. Debtor is authorized to pay Management Carve-Out Plan Participants \$32,000.00 from cash on hand;

C. Debtor is authorized to pay IVM (for the Ignition Creditors) all remaining cash on hand, less amounts needed to pay appropriate quarterly fees to the U.S. Trustee;

D. Debtor shall pay all U.S. Trustee fees promptly;

E. Debtor is authorized to appoint Debtor's former CFO, Stacey Lee, to monitor claims against \$500,000 being held in escrow during the remainder of the escrow period set forth in the Asset Purchase Agreement between the Debtor and Delivered.IO, Inc.; and,

F. At the conclusion of the escrow period, Stacey Lee is authorized the distribute 16% of the remaining escrow funds pursuant to the Debtor's Management Carve-Out Plan, pay associated employer taxes, and pay all remaining funds to IVM for the Ignition Creditors at the end of the escrow period.

G. The estate has been fully administered, and the Clerk of the Court is directed to enter a final decree closing the case.

###

PAGE 2- ORDER RE: DEBTOR'S NOTICE OF INTENT TO 1) PAY
PROFESSIONALS; 2) PAY MANAGEMENT CARVE-OUT PLAN
PARTICIPANTS; 3) PAY SECURED CREDITORS; AND 4) CLOSE CASE

MOTSCHENBACHER & BLATTNER, LLP
117 SW Taylor, Suite 200
Portland, OR 97204
Phone: (503) 417-0500
Fax: (503) 417-0501

cccdcd

1 I certify that I have complied with the requirements of LBR 9021-1(a)(2)(A). The U.S.
2 Trustee has advised undersigned counsel that it has no objection to this form of order.

3 **Presented by:**

4 MOTSCHENBACHER & BLATTNER, LLP

5 By: /s/ Nicholas J. Henderson
6 Nicholas J. Henderson, OSB No. 074027
nhenderson@portlaw.com
7 117 SW Taylor Street, Suite 200
Portland, OR 97204
Telephone: (503) 417-0500
8 Facsimile: (503) 417-0501

9 Attorneys for Earth Class Mail Corporation

10 **PARTIES TO SERVE**

11 Electronic Service: ECF Parties:

12 Via First Class Mail:

13 Wesley H Avery
6055 East Washington Blvd., Suite 500
14 Los Angeles, CA 90040

15 FRANK T. PEPLER
16 DLA PIPER LLP
17 555 Mission St #2400
San Francisco, CA 97105

18

19

20

21

22

23

24

25

26

PAGE 3- ORDER RE: DEBTOR'S NOTICE OF INTENT TO 1) PAY
PROFESSIONALS; 2) PAY MANAGEMENT CARVE-OUT PLAN
PARTICIPANTS; 3) PAY SECURED CREDITORS; AND 4) CLOSE CASE

MOTSCHENBACHER & BLATTNER, LLP
117 SW Taylor, Suite 200
Portland, OR 97204
Phone: (503) 417-0500
Fax: (503) 417-0501

cccd